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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,154

10/29/2003

Judy-Lynne Alley

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23504

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11/21/2006

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SCOTTSDALE, AZ 85251

EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,154	ALLEY, JUDY-LYNNE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alissa L. Hoey	3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 3,12 and 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/06 has been entered.
2. Claims 1 and 10 were amended. Claims 1, 2, 4-11 and 14-18 are rejected below.

### ***Affidavit/Declaration***

3. The affidavit under 37 CFR 1.132 filed 11/21/05 is sufficient to overcome the rejection of claims 1, 4-10 and 14-18 based upon Aarons (US 6,766,536).

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: amended language of claims 1 and 10, "fully enclosed finger or fully enclosed toe sections".

### ***Claim Objections***

5. Claims 1 and 10 are objected to because of the following informalities: the phrase "fully enclosed finger sections and fully enclosed toe sections" should read "fully enclosed finger sections or fully enclosed toe sections" (there are two instances in both claims 1 and 10). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Drescher (US 5,467,484).

In regard to claim 1, Drescher teaches a slip-resistant extremity covering (10) for a person. The glove of Drescher is capable of being worn during yoga practice. The extremity covering dimensioned to fit snugly around an extremity of a person and having a palmer surface and a dorsal surface (figures 1-4). The glove having fully enclosed finger sections and the extremity covering being constructed of a sufficiently malleable material so as to allow an extremity a full range of movement (column 4, lines 63-67 through column 5, lines 8). A slip-resistant material coupled to the palmer surface and to the fully enclosed finger sections (figures 1 and 3). The slip-resistant material (32) having a high coefficient of friction while at the same time allowing the extremity a full range of movement while inside the extremity covering (column 4, lines 25-49).

In regard to claim 2, Drescher teaches the extremity covering being dimensioned to fit snugly around a hand of a person (figures 1-4).

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Petrey (US 4,651,354).

In regard to claim 1, Petrey teaches a slip-resistant extremity covering (10) that is capable of being worn during yoga exercise (column 4, lines 24-39). The extremity covering dimensioned to fit snugly around an extremity of a person and having a palmer surface and a dorsal surface (figure 1). The extremity covering being constructed of a sufficiently malleable material so as to allow an extremity a full range of movement (column 2, lines 61-67). A slip-resistant material coupled to the palmer surface and to the fully enclosed toe sections (figures 1-3). The slip-resistant material (12) having a high coefficient of friction while at the same time allowing the extremity a full range of movement while inside the extremity covering (column 4, lines 24-39).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drescher.

In regard to claim 10, Drescher teaches a slip-resistant extremity covering as described above in claims 1 and 2. However, Drescher fails to teach wearing the extremity covering while practicing a yoga technique.

It would have been obvious to have provided the apparatus of Drescher to be used during the method of described in claims 10 and 11, since the slip-resistant extremity covering is capable of being worn during yoga. It would be obvious for a user

to insert an extremity into the extremity covering and then is fully capable of being worn during the practice of a yoga technique.

In regard to claim 11, Drescher teaches a glove that would inherently be worn by inserting a hand into the extremity covering. The extremity covering of Derscher is dimensioned to fit snugly around a hand of a person (column 4, lines 63-66).

11. Claims 1, 4-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaspar (US 4,728,538).

In regard to claim 1, Kaspar teaches a slip-resistant extremity covering (10) for a person wanting to increase the gripping surface on smooth floors or gym mats, which would include yoga exercise (column 1, lines 17-23). The extremity covering dimensioned to fit snugly around an extremity of a person and having a palmer surface and a dorsal surface (figures 1-3). The extremity covering being constructed of a sufficiently malleable material so as to allow an extremity a full range of movement (column 1, lines 17-23). A slip-resistant material coupled to the palmer surface and to the enclosed toe section (figures 1-3). The slip-resistant material (22) having a high coefficient of friction while at the same time allowing the extremity a full range of movement while inside the extremity covering (column 3, lines 48-59).

With respect to the extremity covering having enclosed toe sections, it would have been obvious to have provided the extremity covering having one enclosed toe sections or multiple closed toe sections, because as long as the slip-resistant material is applied to the toe section, the number of toe sections is not critical to the invention,

since the specification fails to discuss the unexpected results arising from the toe portions having toe sections.

In regard to claim 4, Kaspar teaches the slip-resistant material comprising a plurality of raised surfaces having a high coefficient of friction (column 5, lines 13-22).

In regard to claims 5 and 14, Kaspar fails to teach the plurality of raised surfaces being substantially dumbbell shaped. However, Kaspar fails to teach the raised no-slip surfaces being any of a variety of suitable shapes (column 4, lines 6-8).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the raised surfaces being dumbbell shaped because Applicant has not disclosed that the raised surfaces being dumbbell shaped provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicants invention to perform equally well with the raised surfaces being dumbbell, hemispherical or cylindrical in shape because as long as the raised surfaces are non-slip and provide traction to the covering, the shape is not critical as stated in Applicant's specification on page 8, lines 1-6. Therefore, it would have been an obvious matter of design choice to modify Kaspar to obtain the invention as specified in claims 5 and 14.

In regard to claim 6, Kaspar teaches the slip-resistant material comprising an electrometric material having a high coefficient of friction (column 4, lines 9-20).

In regard to claim 7, Kaspar teaches the slip-resistant material comprising a uniform surface having a height coefficient of friction (column 5, lines 24-31).

In regard to claims 8 and 17, Kaspar teaches the extremity covering being stocking, sock or tight garment. However, Kaspar fails to discuss what the stocking, sock or tight is made of.

It would have been obvious to one having ordinary skill in the art to have produced a sock, stocking or tight garment made out of cotton-lycra type fabric, since it is well known in the apparel arts to construct tight, socks and stockings out of a cotton-lycra material.

In regard to claims 9 and 18, Kaspar teaches the extremity covering a stocking, sock or tight garment. However, Kaspar fails to discuss what the stocking, sock or tight is made out of.

It would have been obvious to one having ordinary skill in the art to have provided a sock, stocking or tight garment made out of an absorbent material, since it is well known to make socks, stockings or tight garments in cotton material, which is absorbent.

In regard to claim 10, Kaspar teaches a garment as described above in this office action. However, Kaspar fails to teach the method for practicing yoga comprising the step of providing an extremity covering dimensioned to fit snugly around an extremity of a person. Inserting an extremity of a person into the extremity covering and practicing a yoga technique.

It would have been obvious for the slip-resistant garment of Kaspar to be used during the practice of yoga, since the garment of Kaspar is to be used to increase the



gripping surface of a garment on smooth floors and gym mats during vigorous exercise or dance and yoga is a exercise that is preformed on gym mats.

In regard to claim 13, Kaspar teaches the slip-resistant material comprising a plurality of raised surfaces having a high coefficient of friction (column 4, lines 9-15).

In regard to claim 15, Kaspar teaches the slip-resistant material comprising an electrometric material having a high coefficient of friction (column 4, lines 9-15).

In regard to claim 16, Kaspar teaches the slip resistant material comprising a uniform surface having a high coefficient of friction (column 5, lines 24-31).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited in PTO-892 form submitted herewith.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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